UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/813,644	ROLLIN ET AL.
	Examiner	Art Unit	
	Henry Orr	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 February 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>43,44,48-60 and 62-77</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>43, 44, 48-60 and 62-77</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some *   c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/1/2008 has been entered.

DETAILED ACTION

1.   This action is responsive to applicant's amendment dated 2/1/2008.

2.   Claims 43, 44, 48-60 and 62-77 are pending in the case.

3.   Claims 45-47, 61 and 78 are cancelled.

4.   Claims 43, 60, 72 and 74 are independent claims.

Applicant's Response

5.   In Applicant's response dated 2/1/2008, applicant has amended the following:

a) Claims 43, 44, 48, 58, 60 and 72-74

Based on Applicant's amendments and remarks, the following objections and rejections previously set forth in Office Action dated 8/1/2007 are withdrawn:

a) Objection to Drawings

b) 35 U.S.C. 101 Rejection to claims 60-73

c) 35 U.S.C. 112 1st Rejection to claims 49-57 and 60-78.

d) 35 U.S.C. 112 2nd Rejection to claim 74-78

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7.   Claim 44 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 44 recites: "filtering device information **to obtain** a filtered subset of enumerated devices **before** the device information is obtained from the function discovery database".

There is <u>no</u> mention of the newly amended limitation in the original Specification. Thus, the limitations include subject matter that was not described in the original Specification.

If the examiner has overlooked the portion of the original Specification that describes this feature of the present invention, then Applicant should point it out (by page number and line number) in the response to this Office Action.

Applicant may obviate this rejection by canceling the claim.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   **Claims 43, 44 and 48-57 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Strittmatter et al. (hereinafter "Strittmatter"), U.S. Published

Application No. 2004/0176118 A1 of record.

Claim 43:

Strittmatter teaches **a method for device selection in a computer system, the**

method comprising: creating a common dialog object suitable for displaying

devices to a user on a display device (see abstract, par. 80, par. 83, Figure 1, Figure

8).

Strittmatter teaches **associated a user-selected filter with the common dialog**

object (see par. 80-81).

Strittmatter teaches **obtaining device information to be displayed within the common dialog object by accessing device information contained in a function discovery database** (see par. 55-56, par. 80, par. 83, Figure 5; ref. #505).

Strittmatter teaches **filtering the device information using the user-selected filter to obtain a filtered subset of enumerated devices** (see par. 87, par. 92).

Strittmatter teaches **displaying the common dialog object with the filtered subset of enumerated devices** (see par. 92).

Strittmatter teaches **receiving a user selection of a device from the displayed common dialog object** (see par. 80, par. 83).

Strittmatter teaches **returning a reference to the selected device** (see par. 37, par. 56-58).

Claim 44:

Strittmatter teaches **wherein obtaining device information to be displayed within the common dialog object comprises filtering device information to obtain a filtered subset of enumerated devices before the device information is obtained from the function discovery database** (see par. 91-92, par. 94-95).

Claim 48:

Strittmatter teaches **accessing the device information contained in the function discovery database comprises using a programming interface** (see par.

32 par. 70, Figure 1; ref. #115).

Claim 49:

Strittmatter teaches **wherein using a programming interface comprises:
creating information for a first segment of code, the information received from the
common dialog object; and communicating the information for the first segment
of code to a second segment of code in the function discovery database to
access functionality provided by the second segment of code** (see par. 32 par. 70,
Figure 1; ref. #115).

Claim 50:

Strittmatter teaches **wherein communicating the information for the
first segment of code to the second segment of code comprises communicating
through a medium** (see par. 1).

Claim 51:

Strittmatter teaches **wherein communicating the information for the
first segment of code to the second segment of code comprises dividing the
communication into multiple discrete communications** (see par. 26, par. 28).

Claim 52:

Strittmatter teaches **wherein the multiple discrete communications**

are divided into divisible sets of functionality (see par. 29, par. 40).

Claim 53:

Strittmatter teaches **wherein communicating the information for the**

first segment of code to the second segment of code comprises redefining the

communication by ignoring at least one or more parameters (see par. 65, par. 75,

par. 80).

Claim 54:

Strittmatter teaches **wherein communicating the information for the first**

segment of code to the second segment of code comprises using one or more

pieces of middleware to convert the communications of the first code segment to

a second code segment (see par. 34-37).

Claim 55:

Strittmatter teaches **wherein communicating the information for the first**

segment of code to the second segment of code comprises rewriting functionality

(see par. 79, par. 94, par. 98-99).

Claim 56:

Strittmatter teaches **wherein each segment of code includes at least one of a module, object, subroutine, and function** (see par. 29).

Claim 57:

Strittmatter teaches **wherein each segment of code includes at least one of a source code, intermediate code, or object code** (see par. 29, par. 40, par. 50 par. 104.)

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 58-60 and 62-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strittmatter as cited above, in view of Chiloyan et al. (hereinafter "Chiloyan"), U.S. Published Application No. 2002/0083228 of record.

Claims 58 and 59:

Regarding claims 58 and 59, Strittmatter fails to expressly teach determining whether an actionable function on a device within a user interface has been selected includes determining that a right-click has been performed.

However, Chiloyan teaches "The user clicks on an icon representing the desired peripheral device at a step 172 and selects an option to view the properties of that

peripheral device" (see par. 53). **(claim 58; i.e., wherein receiving a user selection of a device from the displayed common dialog object comprises determining whether an actionable function on a device within a user interface has been selected) (claim 59; i.e., wherein determining whether an actionable function on a device within a user interface has been selected includes determining that a right-click has been performed.)** Examiner interprets pointing device that the user uses to click the chosen device as right-clicked actionable because in Windows 2000 the right mouse button lets you view the properties of a file, folder or other object.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the devices displayed in the filtered list as taught by Strittmatter to include a properties sheet as taught by Chiloyan to provide the benefit of viewing additional details or attributes of the device. Thus, the user can easily determine a desired imaging device based on the device capabilities to process an imaging request (see Chiloyan; par. 53) (see Strittmatter; par. 81, par. 86, par. 89).

Claim 60:

Strittmatter teaches **a system for accessing and manipulating device information for user selected desired devices, wherein the device information is presented in a unified way, the system comprising a set of installed devices** (see abstract, Figures 1 and 14).

Strittmatter fails to expressly teach a device selection user interface having

actionable icons for a set of devices.

However, Chiloyan teaches *"The user clicks on an icon representing the desired*

peripheral device at a step 172 and selects an option to view the properties of that

peripheral device" (see par. 53). **(claim 60; i.e., a device selection user interface**

having actionable icons for a set of devices)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the devices displayed in the filtered list as taught by

Strittmatter to include a properties sheet as taught by Chiloyan to provide the benefit of

viewing additional details or attributes of the device. Thus, the user can easily determine

a desired imaging device based on the device capabilities to process an imaging

request (see Chiloyan; par. 53) (see Strittmatter; par. 81, par. 86, par. 89).

Strittmatter teaches **a function discovery database having enumerated**

device information corresponding to the set of installed devices (see par. 55-56,

par. 80, par. 83, Figure 5; ref. #505).

Strittmatter teaches **a programming interface corresponding to the device**

selection user interface for interacting with the function discovery database (see

par. 32 par. 70, Figure 1; ref. #115).

Strittmatter teaches **a filtering component for selecting a subset of**

enumerated devices having a plurality of user-selectable filters and an executable

component, which, when executed, filters device information using a user-

selected filter to obtain a filtered subset of enumerated devices (see par. 80-81,

par. 87, par. 92, Figure 3; ref. #315).

Strittmatter teaches a common dialog object on the user interface (see par. 80,

par. 83, Figure 14).

Strittmatter fails to expressly teach a common dialog object on the user interface

having actionable icons for the set of devices.

However, Chiloyan teaches a device manager with actionable icons for a set of

peripheral devices (see par. 53). **(claim 60; i.e., a data processing component**

having an executable component, which, when executed: a common dialog object

on the user interface having actionable icons for the set of devices)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the devices displayed in the common dialog object on the

user interface as taught by Strittmatter to include actionable icons as taught by Chiloyan

to provide the benefit of viewing additional details or attributes of the device. Thus, the

user can easily determine a desired imaging device based on the device capabilities to

process an imaging request (see Chiloyan; par. 53) (see Strittmatter; par. 81, par. 86,

par. 89).

Strittmatter teaches **associates a user-selected filter with the common dialog**

object (see par. 80-81).

Strittmatter teaches **obtains a filtered subset of enumerated devices to be**

displayed within the common dialog object by accessing device information

contained in the function discovery database through the programming interface

and the filtering component (see par. 32 par. 70, par. 91-92, Figure 1; ref. #115).

Strittmatter teaches **displays the common dialog object with the filtered**

subset of enumerated devices; receives a user selection of a device from the

displayed common dialog object; and returns a reference to the selected device

(see par. 37, par. 56-58, par. 80-83, par. 91-92).

Claims 62 and 63:

Regarding claims 62 and 63, Strittmatter fails to expressly teach actionable

function icons having a click option such as a right-click option for displaying device

information.

However, Chiloyan teaches *"The user clicks on an icon representing the desired*

peripheral device at a step 172 and selects an option to view the properties of that

peripheral device" (see par. 53). **(claim 62; i.e., wherein the actionable icons for the**

set of devices have a click option for displaying device information) (claim 63;

i.e., wherein the actionable icons for the set of devices have a right-click option

for displaying device information) Examiner interprets pointing device that the user

uses to click the chosen device as right-clicked actionable because in Windows 2000

the right mouse button lets you view the properties of a file, folder or other object.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the devices displayed in the filtered list as taught by

Strittmatter to include actionable icons with click options as taught by Chiloyan to

provide the benefit of viewing additional details or attributes of the device. Thus, the

user can easily determine a desired imaging device based on the device capabilities to

process an imaging request (see Chiloyan; par. 53) (see Strittmatter; par. 81, par. 86,

par. 89).

Claim 64:

Strittmatter's Figure 14 illustrates **wherein the device selection user interface**

includes descriptions of the set of devices.

Claims 65-67:

Strittmatter teaches a device selection user interface for wireless devices (see

Figure 14).

Strittmatter fails to expressly teach a device selection user interface that has

actionable buttons wireless peripheral devices such as a mouse or keyboard.

Strittmatter also fails to expressly teach a device selection user interface that has

a control bar.

However, Chiloyan teaches a device manager with actionable icons representing

wireless peripheral devices such a pointing device ("mouse") or keyboard and tabs

("control bar") to display various pages of properties pertaining to the devices. **(claim**

65; wherein the device selection user interface has an actionable button for a

mouse.) (claim 66; i.e., wherein the device selection user interface has an

actionable button for a keyboard.) (claim 67; i.e., wherein the device selection

user interface has a control bar.)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the wireless devices displayed as taught by Strittmatter to

include actionable icons representing wireless peripheral devices as taught by Chiloyan

to provide the benefit of viewing additional details or attributes of the wireless devices

(see Chiloyan; par.30-32, par. 36, par. 53).

Claim 68:

Strittmatter teaches **wherein the programming interface corresponding to the**

device selection user interface for interacting with the function discovery

database comprises: a first code segment on the common dialog object; and a

second code segment on the function discovery database; wherein, when

executed, the data processing component having the executable component

communicates information through the first code segment to the second code

segment (see par. 32 par. 70, Figure 1; ref. #115).

Claim 69:

Strittmatter teaches **wherein the information being communicated through**

the first code segment to the second code segment is separated into multiple

discrete communications (see par. 26, par. 28).

Claim 70:

Strittmatter teaches **wherein the multiple discrete communications are divided into divisible sets of functionality** (see par. 29, par. 40).

Claim 71:

Strittmatter teaches comprising one or more pieces of middleware to convert the information being communicated through the first code segment to the second code segment (see par. 34-37).

Claim 72:

Claim 72 includes a program embodied on a computer readable medium to implement the steps that are substantially encompassed in system claim 60; therefore the claim is rejected under the same rationale as system claim 60 above.

Claim 73:

Strittmatter teaches **a filtering component and an enumeration component, wherein the enumeration component retrieves all relevant device information in the function discovery database and the filtering component allows an application to select a subset of the device information that is returned by the enumeration component according to the user-selected filter** (see par. 55-56, par. 80-83, Figure 3; ref. #310, ref. #315).

Claim 74:

Claim 74 is a method claim and is substantially encompassed in method claims

43, 48 and 49; therefore claim 74 is rejected under the same rationale as method claims

43, 48 and 49 above.

Claims 75-77:

Claims 75-77 are method claims and are substantially encompassed in method

claims 51, 53 and 54 respectively; therefore the methods claims are rejected under the

same rationale as method claims 51, 53 and 54 above.

Response to Arguments

12.   Applicant's arguments filed 2/1/2008 have been fully considered but they are not

persuasive.

Prior Art Rejections under U.S.C. 102(e):

In respect to independent claim 43, Applicants respectfully submit that

Strittmatter does not teach or suggest a user-selected filter which is used to obtain a

filtered subset of enumerated devices as recited in amended Claim 43. Even if, for the

sake of argument, Strittmatter does teach adjusting the relevance of enumerated

devices based on user input (which applicants expressly deny), applicants respectfully

submit that nothing in Strittmatter teaches, describes, or suggests using user input to

obtain and subsequently display a subset of enumerated devices. Thus, it would not be

an obvious modification. Accordingly, applicants respectfully submit that Strittmatter fails

to teach, describe, or suggest all of the features of amended Claim 43 (see Response p.

15).

Examiner respectfully disagrees.

Strittmatter teaches an attribute manager ("user-selected filter") that allows a

user to select desired service attributes to filter discovered devices (see par. 80-81)

Strittmatter teaches "such filtering can comprise excluding the entry from display,

or otherwise making selection of a particular entry impossible or difficult" (see par. 92).

Examiner interprets excluding entries (e.g. enumerated device entries) from display due

to the filtering process to be equivalent to displaying a filtered subset of enumerated

devices.

Therefore, Examiner submits that Strittmatter does suggest using user input to

obtain and subsequently display a subset of enumerated devices.

Accordingly, Examiner respectfully submits that Strittmatter teaches, describes,

or suggests all of the features of amended independent Claim 43.

Applicant arguments with respect to claims 44 and 48-57 are substantially

encompassed in the arguments under 35 U.S.C 102(e) above, therefore examiner

responds with the same rationale as stated above (see Response p. 15).

Prior Art Rejections under U.S.C. 103(a):

Applicant arguments with respect to claims 58 and 59 are substantially

encompassed in the arguments under 35 U.S.C 102(e) above, therefore examiner

responds with the same rationale as stated above (see Response p. 15).

Applicant arguments with respect to claims 60-73 are substantially encompassed

in the arguments under 35 U.S.C 102(e) above, therefore examiner responds with the

same rationale as stated above (see Response p. 16).

Applicant arguments with respect to claims 74-77 are substantially encompassed

in the arguments under 35 U.S.C 102(e) above, therefore examiner responds with the

same rationale as stated above (see Response p. 18).

Conclusion

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Henry Orr whose telephone number is (571) 270 1308.

The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/3/2008
HO

/Rachna Singh/
Rachna Singh
Primary Examiner, Art Unit 2176